



DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON DC 20310-0104



November 30, 2005

MEMORANDUM FOR ALL HQDA PERSONNEL

SUBJECT: **Happy Holidays** and **"Good Judgment!"**

1. The time of year for holiday celebrations is approaching. The Army leadership encourages each of you to enjoy the season with your friends, family and co-workers. To make these events enjoyable, there are some workplace ethics ground rules.
2. Use of Government time. Some holiday celebrations may occur on Government time, but only to a certain point. Time taken for an actual event -- perhaps a "pot luck" in the office, or a luncheon at a restaurant--is seldom an issue. However, preparation for these events can create issues. The key here is **Good Judgment!** Supervisors may permit some limited use of duty time for preparations. However, preparing holiday events should never become a significant part of any employee's duties. Examples:
 - a. A committee of employees should never spend a duty day visiting potential restaurants to explore facilities and menus, followed by another day to inform the group, obtain votes, and develop consensus, followed by another trip to make final arrangements. On the other hand a few telephone calls during the day requesting faxes from restaurants, a couple of short planning discussions in the office, and visiting one or two restaurants during lunch would be permissible and would exercise **Good Judgment!**
 - b. A decorations committee should avoid wasting workdays visiting party shops, followed by other workdays of organizing decorations. (Also, appropriated funds should never be used to purchase decorations for individual offices.) However, a brief planning session on Government time, followed by a few telephone calls to party shops, with visits and purchases made after duty hours, and with decorations made during lunch periods or after the duty day, would be permissible. **Good Judgment!**
3. Fundraising. Your office may decide it wants to raise money to reduce the cost of a holiday event. The general rule is "no fundraising in the Federal workplace." However, there is an exception for office events:
 - a. The DOD Joint Ethics Regulation, 5500.7-R, permits employees to raise money among their members for their own benefit when approved by the head of the organization and the Ethics Counselor. For example, employees could have a bake sale to reduce the cost of tickets for the office holiday celebration. Use the following checklist for such events:

√ Keep it low key.

√ Use minimal Government time. No duty time should be used to bake or

purchase cookies and refreshments. Some minimal time during the day may be used to plan the sale. Employees conducting the sale should do so on their personal time.

- √ Government equipment, such as computers and printers, may be used at no cost to the Government. Items, such as placards and announcements, may never be ordered from the audio-visual office. Use of Government resources requires **Good Judgment!**
- √ Never solicit outside sources (such as employees of support contractors) to contribute to the event.
- √ Contractor employees and visitors who become aware of the bake sale may purchase items. The important thing is that we never personally solicit them, or engage in solicitation that targets them.

b. Outside sources (local restaurants, car dealerships, department stores, professional associations, and contractors) may never be solicited for donations, to include door prizes.

c. Raffles may never be used to raise money for office functions.

4. Contractor Employees. Contractor employees may attend our celebrations. However:

- a. There should be no official encouragement for someone else's employees to leave their workplace. We can let it be known that they may attend and will be a welcome part of the event.
- b. Contractor employee time off, and the nature of the time off (leave, personal day, administrative absence) are between the contractor and its employees. When a contractor's employee is absent, the contractor can never bill for services it fails to deliver, and may have concerns about issues such as contract schedules, delivery dates, and other matters. Accordingly, the contractor must decide if, and under what conditions, its employees may be absent.
- c. Contractor employees may never be tasked, or asked to volunteer, to organize holiday events.

5. Gifts. Gifts among employees may be exchanged during the holiday season. However, be mindful of appearances. It requires **Good Judgment!** to avoid creating the perception of partiality or favoritism. Gift giving in the workplace should be even-handed and democratic in spirit. No one should be left out. Some specific rules apply:

- a. The value of a holiday gift to a superior is limited to \$10 and you may never solicit contributions from other employees. There are no restrictions on gifts to peers and subordinates.
- b. You must refuse a gift from anyone who makes less money than you do as a Federal

employee, unless there is no superior-subordinate relationship, and there is a personal relationship that would justify the gift. Again, the exception would be for a gift where the value is less than \$10, with no soliciting of contributions from other employees.

c. You may have a gift exchange among employees. If it is an anonymous exchange, a reasonable value should be established for the individual gifts. (If it is open, \$10 is the limit.) If contractor employees are participating in an anonymous gift exchange, the gift limit must be less than \$20, as discussed in the point below.

d. Federal employees may never accept gifts from contractors or contractor employees. However, gifts (other than cash) less than \$20 may be accepted as long as the employee has declined other gifts from the contractor that would exceed \$50 for the year.

6. Attendance at Parties.

a. All employees and contractor employees are free to attend a private party hosted by a Federal employee. Food, refreshments and entertainment may be shared and enjoyed. Subordinates may bring hospitality gifts, such as a bottle of wine, but these gifts must be modest in cost. Hospitality gifts are never strictly limited to \$10 in value, but this should guide your use of **Good Judgment!** However, hospitality gifts from contractor employees are strictly limited to \$20 in value. Ideally, hospitality gifts will be edible.

b. Federal employees may accept free attendance at a private party hosted by a contractor or a contractor employee if any of the following conditions apply. If none apply, then the invitation must be declined or the employee must pay for attendance.

- ✓ The average cost per guest is less than \$20.
- ✓ The invitation is based on a bona fide personal relationship with the contractor employee rather than a congenial office relationship.
- ✓ The party qualifies as a "widely-attended gathering"—that is, there will be more than 20 attendees representing a diversity of views and backgrounds, and the employee's supervisor determines that it is in the agency's interest for the employee to attend.
- ✓ The contractor is having an open house, open to the public or to all Government employees or military personnel in the area.
- ✓ The invitation is offered to a group or class that is unrelated to Government employment, such as all GEICO, PFCU or USAA customers.
- ✓ You have been assigned to represent the Army at an official function (such as an embassy event).

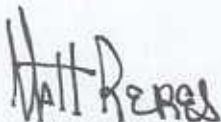
7. Holiday Greetings:

- a. Appropriated funds are unauthorized to purchase holiday greeting cards. Superiors may never allow subordinates to prepare or address personal greetings. Finally, official resources—including paper, printers, envelopes and postage—are unauthorized for holiday greeting cards.
- b. Electronic greeting cards with digital photographs, video, sound, or other large file attachments are unauthorized for transmission on official Army systems. Further, sending such messages with executable attachments, including files that end in "exe" or "jgb," (such as, Santa Bowling for Dwarves) or opening such attachments is inappropriate.

8. Alcohol. Consistent with paragraph 2-5, AR 600-85, *Alcohol and Drug Abuse Prevention and Control Program*, official and unofficial functions must never encourage or glamorize consumption of alcohol, and alcoholic beverages may never be given as prizes. For events on the Pentagon Reservation where alcohol will be served, there must be compliance with the Army's implementation of 32 C.F.R. 234.11:

- a. Alcoholic consumption on the Pentagon Reservation is limited to special events and availability of alcohol should never be the purpose or focus of the event.
- b. Requests to serve alcoholic beverages will be submitted to the Office of the Administrative Assistant to the Secretary of the Army at least 2 weeks prior to the event. Request must be signed or endorsed by a principal ARSTAF official or deputy and include the following information:
 - (1) Purpose of event and number of attendees.
 - (2) Time, date, and location.
 - (3) Type and volume of alcohol to be served.
 - (4) POC and telephone number.
- c. The Office of the Administrative Assistant to the Secretary of the Army will provide a copy of each approved request to the Director, Pentagon Force Protection Agency.
- d. Supervisors and the ARSTAF principals must ensure that appropriate safety precautions are in effect; non-alcoholic beverages are available; personnel who consume alcoholic beverages are of legal drinking age; designated drivers are identified; and that the event complies with the spirit and intent of the Army's Alcohol and Drug Abuse Prevention and Control Program.

9. Conclusion. Employees may plan and participate in holiday events. While some limited use of Government resources and time is permitted, each of us must use common sense and **Good Judgment!** **Have a happy and safe holiday season!** Should you have any questions, please contact the Army Standards of Conduct Office at 588-6707 or the Deputy General Counsel (Ethics & Fiscal).

A handwritten signature in black ink, appearing to read "Matt Reres". The signature is stylized with a large, looped "M" and a cursive "Reres".

MATT RERES
Deputy General Counsel
(Ethics & Fiscal)